

COMMENTS

The enclosed is responsive to the Examiner's Office Action mailed on July 1, 2004. At the time the Examiner mailed the Office Action claims 1-20 were pending. By way of the present response the Applicant has: 1) amended claims 1 and 11; and, 2) has not added nor canceled any claims. As such claims 1 - 20 remain pending. The Applicant respectfully requests reconsideration of the present application and the allowance of all claims.

The Examiner has maintained the rejection of the Applicant's independent claims as being anticipated by the Iwamura reference (U.S. Patent No. 5,883,621). According to the Examiner, Figure 12 and Col. 8, lines 17-35, 56-65 cover "executing a routing algorithm to determine a path through the network from a plurality of paths having as endpoints the connection source and destination". See, Examiner's Office Action mailed 7/1/04, pg. 1. Moreover, according to the Examiner,

The algorithm to determine the network connections of Iwamura is in fact a routing algorithm. Once the topology is determined, there are still a plurality of paths, and one of these is determined. The claims do not state for example that a specific path, such as the path of minimal connections, is chosen. There simply are a plurality of paths, perhaps having different source and destination endpoints, and one of these paths is determined. The time/state of occurrence of the system is perhaps inherently being assumed, but this needs to be brought out in the claims.

Examiner's Office Action mailed 7/1/04, pg. 4.

The Applicant respectfully submits that the Examiner perhaps neglected to consider or comprehend term “possible” in the Applicant’s claims which state (emphasis added):

“[executing the routing algorithm] to determine a path through the network amongst a plurality of possible paths through the network”

Here, the phrase “possible paths” is meant to convey an understanding that a number of paths each having the same connection source and connection destination endpoints exist within the network. A path that does not possess the same connection source and connection destination endpoints is not a “possible” path because it would incorrectly route the connection’s traffic.

The Applicant has herewith amended independent claims 1 and 11 to more fully define the function of a routing algorithm. Specifically, each of independent claims 1 and 11 now recite (emphasis added):

“[executing the routing algorithm] to determine a path through the network amongst a plurality of possible paths through the network, the path and the possible paths each having the connection source and the connection destination as endpoints

Essentially, the Applicant has now embedded the intended meaning of the phrase “possible paths” into the claim elements themselves. It is believed that this amendment is sufficient to overcome the Iwamura reference because, as discussed at length by the Applicant in the Office Action response filed 4/26/04, the substance of Iwamura does not contemplate multiple paths between a source/destination pair.

Therefore, in light of the comments above, the Applicant respectfully submits that each of independent claims 1 and 11 are in allowable form, and, moreover, requests the allowance of all claims.

CONCLUSION


If there are any additional charges, please charge Deposit Account No.

02-2666. If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact Robert B. O'Rourke at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 9/27/09



Robert B. O'Rourke
Reg. No. 46,972

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1030
(408) 720-8300